

***BOARD OF EXAMINERS, APPEALS AND CONDEMNATION
CITY OF LONG BEACH COUNCIL CHAMBERS, LOBBY LEVEL
333 WEST OCEAN BOULEVARD, LONG BEACH, CALIFORNIA
1:30 P. M. - FEBRUARY 13, 2006***

**ADMINISTRATIVE CITATION APPEALS HEARING
CITY OF LONG BEACH COUNCIL CHAMBERS
333 WEST OCEAN BOULEVARD, LONG BEACH, CALIFORNIA
FEBRUARY 13, 2006
***** A G E N D A *******

CALL TO ORDER:

ROLL CALL : Chairman Michael L. Bates, Vice Chairman Elliot H. Boone, Mr. Christopher Brown, Mr. Maurice W. Knowles, Mr. Henry F. Salzer, Dr. Lynn Shaw, Mr. Charles G. Westlund.

APPROVAL OF THE MINUTES OF NOVEMBER 21, 2005 HEARING.

SWEARING OF WITNESSES:

A) CASES TO BE REMOVED FROM THE AGENDA:

Item No.	_____	_____
	_____	_____
	_____	_____
	_____	_____
	_____	_____

ADMINISTRATIVE CITATION APPEALS HEARING
FEBRUARY 13, 2006
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1. **CASE NO. A – 04-02-06:** **1077½ MARTIN LUTHER KING AVE.,**
Marie J. Johnson, Owner, {(Proj. #420137)} (Council Dist. 6)}
{Administrative Citation Case}

OPPORTUNITY FOR PUBLIC COMMENTS:

NEW OR UNFINISHED BUSINESS:

SET DATE FOR NEXT HEARING: MARCH 20, 2006

MOTION FOR ADJOURNMENT:

ADMINISTRATIVE CITATION APPEALS HEARING
FEBRUARY 13, 2006
AGENDA ITEM NO. 1

CASE NO. A – 04-02-06: **1077 ½ MARTIN LUTHER KING AVENUE,**
Marie J. Johnson, Owner, {(Proj. #420137)} (Council Dist. 6)}

Comments: This is an **Administrative Citation Appeal**. The owner has requested in writing a public hearing to appeal the third administrative citation, number 420137, on the grounds that she is not the responsible party for the cited violations at 1077 ½ Martin Luther King Avenue.

LBMC Section 9.65.020 defines “Responsible Person” as any individual who is the owner, partial owner, or occupant of real property, last registered owner and or legal owner of a vehicle, the holder or the agent of the holder of any permit or entitlement or the party or agent of a party to any agreement covered by this chapter; or the owner of authorized agent of any business, company, or entity subject to this Chapter, who creates, commits, or maintains a violation subject to the enforcement provisions of this Chapter.

On **August 11, 2005**, a "Citation Warning Notice" was sent to the Appellant, Marie J. Johnson, certified and regular first class mail, giving notice that violations of the Long Beach Municipal Code existed on the property for unsightly property, deteriorated fence, discarded furniture, household items, weeds and debris and that the corrections must be made by **September 11, 2005**. Staff obtained property ownership information from Real Quest, which reported Appellant as the property owner for 1077 ½ Martin Luther King Avenue. The certified mail was unclaimed.

On **September 12, 2005** and again on **October 18, 2005**, investigations revealed that the property remained in violation. Two successive Administrative Citations were issued for violations of Long Beach Municipal Code Sections 8.76.010(m) unsightly property, 8.76.010(n) deteriorated fence, 8.76.010(i) discarded furniture and household items, and 9.65.030 weeds and debris. The property was posted with the administrative citations, and dated pictures were taken of the violations and postings. The administrative citations were also sent to the property owner, Marie J. Johnson, via certified and regular first class mail. These administrative citations resulted in a total fine of \$600.00. Payment has not yet been received.

ADMINISTRATIVE CITATION APPEALS HEARING
FEBRUARY 13, 2006
AGENDA ITEM NO. 1 (CONTINUED)

On **November 28, 2005**, an investigation revealed that the property remained in violation with unsightly property, discarded furniture, household items, weeds and debris. A third Administrative Citation, number 420137, was issued for violations of Long Beach Municipal Code Sections 8.76.010(m), 8.76.010(i) and 9.65.030. The property was posted with the administrative citation and dated pictures were taken of the violations and posting. The administrative citation was also sent to the property owner, Marie J. Johnson, via certified and regular first class mail. The administrative citation requires fine payment of \$1000.00.

On **December 26, 2005**, a request for appeal was received from the property owner along with a check for \$1000.00 as required by ordinance on the grounds that she is not the responsible party for the cited violations.

Suggested Board Action: Based on this evidence, which the City intends to present, the City requests the Hearing Board deny the appeal.